

REMARKS/ARGUMENTS

Claims 1-18 and 23-28 are pending. By this Amendment, claims 19-22 are cancelled without prejudice or disclaimer; claims 1-18 are amended; and claims 23-28 are added. Reconsideration and allowance in view of the above amendments and following remarks are respectfully requested.

Claim 1 was rejected under 35 U.S.C. §102(e) over Kwok et al. (U.S. Patent 6,532,961). The rejection is respectfully traversed.

Claim 1 recites, a respiratory mask comprising a mask frame including a forehead support member connected to the mask frame by a living hinge, and a plurality of strap attachment portions, integral to at least one of the mask frame and the forehead support member, for attaching straps to the respiratory mask to mount the respiratory mask on a facial region of a user; and forehead padding attached to the forehead support member. An angle of the mask frame relative to the facial region of the user is adjusted by rotating the forehead padding with respect to the forehead support member.

The forehead cushions 25 of Kwok et al. are not rotated with respect to the T-shaped cushion frame 12 to adjust an angle of the mask frame relative to the facial region of the user. Accordingly, Kwok et al. do not anticipate or render obvious claim 1.

Reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. §102(e) over Kwok et al. are respectfully requested.

Claim 13 was rejected under 35 U.S.C. §102(e) over Gunaratnam et al. (U.S. Patent 6,520,182). The rejection is respectfully traversed.

It is respectfully noted that the inventor of the instant application is Michael Gunaratnam. It is also respectfully noted that the inventor of U.S. Patent 6,520,182 is Michael Gunaratnam. Therefore, U.S. Patent 6,520,182 is not "by another" and does not qualify as prior art under 35 U.S.C. §102(e).

However, it is respectfully noted that U.S. Patent 6,520,182 issued February 18, 2003, which is prior to the April 10, 2003 earliest claimed priority date of the instant application. U.S. Patent 6,520,182 thus may qualify as prior art under 35 U.S.C. §102(a).

It is further respectfully noted that U.S. Patent 6,520,182 corresponds to WO 00/57942 as both claim priority to Australian Application PP 9499, filed March 29, 1999. WO 00/57942 was submitted by Applicant in the instant application in the Information Disclosure Statement filed January 28, 2005. As WO 00/57942 was published October 5, 2000, the reference qualifies as prior art under 35 U.S.C. § 102(b). For the reasons discussed below, it is respectfully submitted that neither U.S. Patent 6,520,182 nor WO 00/57942 anticipates or renders obvious claim 13.

Claim 13 recites a respiratory mask comprising a mask frame having a forehead support member and a plurality of strap attachment portions, integral to at least one of the mask frame and the forehead support member, for attaching straps to the respiratory mask to mount the respiratory mask on a facial region of a user; and a foldable beam between the mask frame and the forehead support member. An angle of the mask frame relative to a facial region of the user is adjusted by folding the foldable beam.

Neither U.S. Patent 6,520,182 nor WO 00/57942 disclose or suggest a foldable beam between the mask frame and the forehead support member, wherein an angle of the mask frame relative to a facial region of the user is adjusted by folding the foldable beam. Even assuming the pair of arms 22 of U.S. Patent 6,520,182 and WO 00/5942 were interpreted as a foldable

beam, which Applicant submits would not be a fair reading, such an interpretation would fail to anticipate or render obvious claim 13 as the pair of arms 22 is not provided between the mask frame 14 and the forehead support 10.

Reconsideration and withdrawal of the rejection of claim 13 under 35 U.S.C. §102(e) over U.S. Patent 6,520,182 are respectfully requested.

New claims 23-27 recite additional features and are allowable for the same reasons discussed above with respect to claims 1 and 13 and for the additional features recited therein.

New claim 28 recites respiratory mask comprising a mask frame comprising a mask cushion; an air inlet portion having an inlet tube, the air inlet portion being connected to the mask frame by at least one first living hinge; and a forehead support comprising forehead padding, the forehead support being connected to the mask frame by at least one second living hinge.

None of the prior art of record discloses or suggest a respiratory mask comprising a mask frame, an air inlet portion connected to the mask frame by at least one first living hinge, and a forehead support connected to the mask frame by at least one second living hinge.

Applicant appreciates the indication that claims 2-12 and 14-18 would be allowable if rewritten in independent form. However, in view of the above amendments and remarks, Applicant respectfully submits that all the claims are allowable and that the entire application is in condition for allowance.

GUNARATNAM
Appl. No. 10/821,204
December 10, 2007

Should the Examiner believe that anything further is necessary to place the application in condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /John P. Darling/
John P. Darling
Reg. No. 44,482

JPD:tlm
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100